

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge that was entered on December 14, 2006. Petitioner has filed Objections.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that Petitioner's Objections are without merit and that the Report and Recommendation is correct and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

Accordingly, it is **ORDERED** that Respondent's Motion for Summary Judgment (Instrument No. 10) is **GRANTED**; and the Petition for a Writ of Habeas Corpus of Elmer Israel Barrios (Instrument No. 1) is **DISMISSED** with prejudice.

DONE at Galveston, Texas this 26th day of January, 2007.

Samuel B. Kent
Samuel B. Kent
United States District Judge